

**To:** Wilson, Jennifer[wilson.jenniferA@epa.gov]; Frank, Nathan[frank.nathan@epa.gov]  
**From:** Deamer, Eileen  
**Sent:** Wed 3/25/2015 4:51:58 PM  
**Subject:** RE: Sen. Baldwin: question re fly ash

Did you all get back to me on this follow up for Sen. Baldwin's staff?

The Senator's staffer is waiting and I don't see a reply. If you did reply and I missed it, my apologies.

Thanks,

Eileen

**From:** Deamer, Eileen  
**Sent:** Monday, March 09, 2015 8:38 AM  
**To:** Wilson, Jennifer; Frank, Nathan  
**Cc:** Beckmann, Ronna Erin  
**Subject:** FW: Sen. Baldwin: question re fly ash

Hi Jennifer and Nathan –

So I finally got a response from Sen. Baldwin's staffer with some additional questions. If I recall correctly, the answer to #1 is yes, we monitored both trucks and trains. I don't know the answer to #2.

Thanks,

Eileen

**From:** Helbick, Mike (Baldwin) [[mailto:Mike\\_Helbick@baldwin.senate.gov](mailto:Mike_Helbick@baldwin.senate.gov)]  
**Sent:** Friday, March 06, 2015 1:55 PM

**To:** Deamer, Eileen

**Subject:** RE: Sen. Baldwin: question re fly ash

Eileen,

Thank you, again, for the information below. I conveyed the information to our constituent, and she just had a couple of follow up questions:

- 1) Has the EPA monitored the use of trucks in hauling fly ash from the WE Energies facilities, or only trains? If only trains, would the EPA be willing to investigate the transportation of fly ash with trucks (that is this constituent's main concern)?
- 2) Do we know where the fly ash is going when it is hauled out on rails/trucks, or is there a best guess that you may have on this one?

Thank you,

Mike

**Mike Helbick**

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**From:** Deamer, Eileen [<mailto:deamer.eileen@epa.gov>]  
**Sent:** Wednesday, February 18, 2015 12:02 PM  
**To:** Helbick, Mike (Baldwin)  
**Cc:** Beckmann, Ronna Erin  
**Subject:** RE: Sen. Baldwin: question re fly ash

Mike,

To answer your question below, the transport of fly ash (and coal) through residential areas is not prohibited under federal environmental regulations. However, there is a Wisconsin state regulation that requires transporters or handlers of any material (including fly ash and coal) to take steps to control fugitive dust. While this is a state rule, it is federally enforceable because it has been incorporated into Wisconsin's State Implementation Plan under the Clean Air Act.

With regards to WE Energies plant in Oak Creek, Wisconsin, we have been in communication with residents near the facility who have complained about fugitive dust from rail cars transporting coal and/or fly ash since the beginning of last summer. In response to these complaints, air inspectors from our office have visited the area three times. During each unannounced visit, the inspectors performed offsite observations of the WE Energies facility and nearby railways for multiple hours. Our inspectors did not observe fugitive dust leaving the trains in any of their visits. Our office continues to communicate with residents of the area and monitor the situation.

If you would like to discuss this matter further -- perhaps with the air inspectors on the line, I'd be happy to set up a call with you to answer any additional questions.

Thank you,

Eileen

Note: Regarding your other inquiry regarding the SSI rule, I'm following up with headquarters to see if there is an update as you know they have the lead on that issue.

**From:** Helbick, Mike (Baldwin) [[mailto:Mike\\_Helbick@baldwin.senate.gov](mailto:Mike_Helbick@baldwin.senate.gov)]  
**Sent:** Tuesday, February 10, 2015 10:56 AM  
**To:** Deamer, Eileen  
**Subject:** FW: Sen. Baldwin: question re fly ash

Eileen,

Hope you are well! Just wanted to follow up on the below. I know right after we had spoken about this, fly ash was all over the news. Is there an update on this one?

Thanks,

Mike

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**From:** Helbick, Mike (Baldwin)  
**Sent:** Thursday, December 04, 2014 12:38 PM  
**To:** 'Deamer, Eileen'  
**Subject:** RE: Sen. Baldwin: question re fly ash

Eileen,

Thanks for calling and for the email.

Basically, the concern is just that the constituent believes WE Energies is transporting fly ash through residential areas and believes this may be some kind of federal violation. I'm not able to point to specific regulations that this could potentially be violating, as I lack that expertise. Thus, I'm just forwarding her concern, in general, and assuming that the movement of fly ash either is or is not regulated, and if it is, if what I'm describing could potentially violate any of those regulations, we would want to know.

Sorry to be so vague, but please let me know if you need anything more.

Best,

Mike

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**From:** Deamer, Eileen [<mailto:deamer.eileen@epa.gov>]

**Sent:** Wednesday, December 03, 2014 9:37 AM

**To:** Helbick, Mike (Baldwin)

**Subject:** RE: Sen. Baldwin: question re fly ash

Hi Mike – So apparently this isn't an easy answer. There are many regulations that apply to utilities under the CAA – MACT, NSPS, PSD/NSR, SIP, etc.

Can you be a bit more specific in which regulation you are interested in as it applies to fly ash?

Thanks,

Eileen

**From:** Helbick, Mike (Baldwin) [[mailto:Mike\\_Helbick@baldwin.senate.gov](mailto:Mike_Helbick@baldwin.senate.gov)]  
**Sent:** Tuesday, November 11, 2014 9:42 AM  
**To:** Deamer, Eileen  
**Subject:** Sen. Baldwin: question re fly ash

Eileen,

I hope you are well.

I have rec'd a question regarding fly ash. A constituent is concerned that WE Energies is moving fly ash through neighborhoods and believes this may violate some type of regulation.

Could you please provide any information on behalf of the EPA regarding what may be regulated or not regulated regarding fly ash?

Thank you,

Mike

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